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JUN 22 2004

OFFICE OF PETITIONS

In re Application of
Nakamura, et al.
Application No. 10/721,269
Filed: November 26, 2003
Attorney Docket No. Q78680
For: ORGANIC
ELECTROLUMINESCENCE CELL,
PLANAR LIGHT SOURCE AND
DISPLAY DEVICE

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: DECISION ON
: PETITION
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This is a decision on the petition filed April 26, 2004 requesting that Figures 12 and 13 be accorded a filing date of November 26, 2003. The petition will be treated under 37 CFR 1.53(e).

The application was filed on November 26, 2003. On February 26, 2004, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" informing petitioners that Figures 12 and 13, as described in the specification, appeared to have been omitted.

Petitioners request that Figures 12 and 13 be accorded a filing date of November 26, 2003 on the basis that 7 sheets of drawing figures, including Figures 12 and 13, were received in the Patent and Trademark Office (PTO) on November 26, 2003. In support, the instant petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing November 26, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 7 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 7 sheets of drawing figures were filed on November 26, 2003. MPEP 503. A review of the application file reveals that there are 6 sheets of drawing figures present, depicting Figures 1-11.

Accordingly, the petition under 37 CFR 1.53(e) is **GRANTED**. Pursuant to petitioners' authorization, deposit account no. 19-4880 will be credited the \$130.00 petition fee submitted with the instant petition.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **November 26, 2003**, using the copy of Figures 12 and 13 submitted with the instant petition. Office records will be corrected to show that 7 sheets of drawings were present on initial filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

A handwritten signature in black ink, appearing to read "E. Shirene Willis". The signature is fluid and cursive, with the first letter of each word being capitalized and prominent.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions